**S.B.CIVIL WRIT PETITION NO. 4851/2004**

Bhanwar Singh Vs. State of Rajasthan & Ors.

DATE OF ORDER :: 26th April, 2007

**HON'BLE MR.JUSTICE GOVIND MATHUR**

Mrs. Nupur Bhati, for the petitioner.
Mr. Shyam Ladrecha, Addl. Govt. Advocate.

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The Deputy Inspector General of Police, Jaipur Range (I), Jaipur while exercising powers conferred upon him by Rule 53(1) of Rajasthan Civil Service (Pension) Rules, 1996 ordered for premature retirement of the petitioner in public interest w.e.f. 31.12.2000 under an order dated 23.12.2000. Being aggrieved by the same this petition for writ is preferred.

The contention of learned counsel for the petitioner is that the order of compulsory retirement is not in public interest; no evidence was available with the appointing authority to form an opinion that the retention of the petitioner in service shall be having adverse effect to public interest; and the order impugned is perverse and before passing the same no opportunity of hearing was given to the petitioner.

In reply to the writ petition it is stated by the respondents that the petitioner was retired in public interest after examining his entire service record. According to the respondents the case of the petitioner,

at the first instance, was considered by a competent screening committee that recommended for premature retirement of the petitioner. The recommendations of the screening committee alongwith entire record were placed before the review committee and that too by considering the same recommended for premature retirement of the petitioner. The recommendations of review committee and screening committee alongwith the relevant record was placed before the appointing authority and the appointing authority formed a definite opinion by getting himself satisfied that further retention of the petitioner is not in public interest.

The respondents have also placed on record a statement of events that was taken into consideration by the screening committee, review committee and the appointing authority to reach at the conclusion that the retention of the petitioner was not in public interest. From perusal of the statement I find that the petitioner in his entire service career suffered twenty-three penalties and out of those most are of recent years. It is relevant to note that the petitioner was promoted as Sub Inspector in the year 1992 and out of twenty-three penalties referred above nineteen penalties were imposed upon the petitioner when he was holding the post of Sub Inspector. I am of the opinion that adequate material is available on basis of which a reasonable man can form an opinion that the retention of the petitioner is not in public

interest. The relevant portion of the consideration made by the reviewing committee is worth to be noticed, which reads as under:

> "कर्मचारी का सेवा रिकार्ड गोपनीय पत्रावली व निजी पत्रावली का परीक्षण करने पर कर्मचारी को राज्यहित में नहीं रखने के लिये आन्तरिक स्क्रीनिंग कमेटी द्वारा की गई अनुशंषा से सहमत है।
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> कर्मचारी के विरूद्ध कार्य में घोर लापरवाही मुकदमों में अनियमितताएं मुकदमा दर्ज नहीं करने उच्चाधिकारियों को सहयोग नहीं करने वेरीफिकेशन रोल गुम करने, शराब पीकर अपने स्टॉफ के साथ मारपीट करने व तलवार लेकर जान से मारने के लिये पीछे दौड़ना जिससे पुलिस की छवि धूमिल हुई आदि आरोप प्रमाणित पाये जाने पर लोक हित में इन्हें राज्य सेवा से अनिवार्य सेवा निवृत किया जावे।"

The principles of natural justice have no place in the context of an order of premature retirement in public interest, therefore, I do not find any force in the contention of the petitioner that no opportunity of hearing was given to the petitioner before retiring him from service.

In view of whatever discussed above this petition for writ is having no merit, and therefore, the same is dismissed.

( GOVIND MATHUR ),J.

jgoyal